

PROB 12C
(7/93)

Report Date: August 2, 2013

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG - 2 2013

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Javier Guadalupe Flores

Case Number: 2:06CR06053-003

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 4/30/2008

Original Offense: Conspiracy to Possess with Intent to Distribute 5 Kilograms or More of Cocaine, 21
U.S.C. § 846Original Sentence: Prison - 48 Months; Type of Supervision: Supervised Release
TSR - 60 Months

Asst. U.S. Attorney: Alexander Carl Ekstrom Date Supervision Commenced: 7/5/2013

Defense Attorney: Alison K. Guernsey Date Supervision Expires: 10/4/2017

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Standard Condition # 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**Supporting Evidence:** Javier Guadalupe Flores is considered in violation of his supervised release as he has failed to follow this officer's instructions by not reporting as instructed on July 24, 2013.

Mr. Flores met with this officer for his initial intake appointment on July 8, 2013. We reviewed his supervision conditions and requirements. He was instructed to report back to me on Monday, July 22, 2013, at 9:00 a.m. He was given a business card with the appointment date.

On July 10, 2013, this officer conducted a home visit to the defendant's residence and we discussed his interest in entering the Sobriety Treatment Education Program (STEP). He indicated he spoke with U.S. Probation Officer David McCary and he would be sitting in on a STEP session on Wednesday, July 24, 2013. To assist Mr. Flores, this officer instructed him to report to my office prior to his STEP session on Wednesday, rather than on Monday

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as previously scheduled. This would assist him in not having to travel to our office twice in the same week. Mr. Flores agreed this would be helpful and he would report to me prior to the STEP session. The defendant failed to report to this officer as required, and failed to appear for the STEP session. This officer attempted to contact the defendant on July 26, 2013, via telephone leaving him a voice mail. A second attempt to contact him was completed on July 29, 2013. I left him a voice mail message as well as sent him a text message. I also contacted the defendant's aunt and spoke to her asking that she notify him to contact me. This officer again attempted to contact the defendant on August 1, 2013, and left him another voice mail message. As of this date, he has not contacted this officer.

2

Special Condition # 15: You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Mr. Flores is considered in violation of his supervised release by failing to obtain his substance abuse evaluation as required in July 2013.

On July 8, 2013, this officer met with the defendant and his conditions of supervision were reviewed. Mr. Flores was instructed to apply for treatment funds via the Washington Department of Social and Health Services (DSHS) Alcohol Drug Addiction Treatment Support Act (ADATSA) funding. He was also instructed to contact First Step Community Counseling Services. Mr. Flores had expressed an interest in entering the STEP drug court program and he was also advised by U.S. Probation Officer David McCary of the necessity to complete the substance abuse evaluation in order to begin the program. This officer contacted First Step Community Counseling Services on August 1, 2013, and confirmed that Mr. Flores has not contacted their office. As of this date, Mr. Flores has not completed an assessment as required.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/01/2013

s/SanJuanita B. Coronado

SanJuanita B Coronado
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer *Amy L. Dubo* *for Hon. From Herrera* *USDT*

8/2/13
Date